

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JAY JOHANNIGMAN, MD,)	Case No. 1:19-cv-00280-MRB
)	
Plaintiff,)	
)	
v.)	Judge Barrett
)	
UNIVERSITY OF CINCINNATI)	
PHYSICIANS, INC. dba UC)	DEFENDANT UC HEALTH, LLC’S
PHYSICIANS, et al.)	ANSWER TO PLAINTIFF’S
)	AMENDED COMPLAINT
Defendants.)	

Now comes Defendant UC Health, LLC (“UC Health” or “Defendant”) and for its Answer to Plaintiff’s Amended Complaint (“Complaint”) states as follows:

1. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 of the Complaint and on that basis denies the allegations in paragraph 1 of the Complaint.

2. Defendant admits that University of Cincinnati Physicians, Inc. (“UCP”) employs Plaintiff. The remaining allegations do not relate to the claims against Defendant. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 2 of the Complaint and on that basis denies the remaining allegations in paragraph 2 of the Complaint.

3. Defendant admits that the University of Cincinnati (“UC”) is an educational institution. The remaining allegations do not relate to the claims against Defendant. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 3 of the Complaint and on that basis denies the remaining allegations in paragraph 3 of the Complaint.

4. Defendant admits that it runs UCMC and other medical facilities, at some of which Plaintiff has practiced medicine. Defendant admits that Dr. Lofgren is its President & CEO, Dr. Alessandrini is its SVP, Chief Medical Officer and Dr. Moulton is the Chief of Staff at UCMC. Defendant admits that doctors that practice at UC Health facilities are subject to certain of Defendant's policies. Defendant denies the remaining allegations in paragraph 4 of the Complaint.

5. Defendant admits Plaintiff alleges discrimination against all Defendants and defamation against UC and UCP only. Defendant denies that it discriminated in any manner against Plaintiff. Defendant denies any remaining allegations in paragraph 5 of the Complaint.

6. Defendant denies the allegations in paragraph 6 of the Complaint.

7. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7 of the Complaint and on that basis denies the allegations in paragraph 7 of the Complaint.

8. Defendant denies the allegations in paragraph 8 of the Complaint.

9. Defendant denies the allegations in paragraph 9 of the Complaint.

10. Defendant admits that Dr. Moulton did not suspend Plaintiff's privileges. Defendant denies the remaining allegations in paragraph 10 of the Complaint.

11. Defendant denies the allegations in paragraph 11 of the Complaint.

12. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 12 of the Complaint and on that basis denies the allegations in paragraph 12 of the Complaint.

13. Defendant denies the allegations in paragraph 13 of the Complaint.

14. Defendant denies the allegations in paragraph 14 of the Complaint.

15. Defendant denies the allegations in paragraph 15 of the Complaint.

16. Defendant denies the allegations in paragraph 16 of the Complaint.

17. Defendant admits Plaintiff is currently restricted from working at UCMC.

Defendant denies the remaining allegations in paragraph 17 of the Complaint.

18. Defendant admits Plaintiff seeks injunctive relief but denies that Plaintiff is entitled to injunctive relief or any relief what so ever.

19. Defendant admits this Court has subject matter jurisdiction. Defendant denies that any law was violated.

20. Defendant admits this Court has supplemental jurisdiction over Counts I, II, III, and VI. Defendant denies that any law was violated.

21. Defendant admits that venue is proper but denies that any of the alleged events occurred.

22. Defendant denies the allegations in paragraph 22 of the Complaint.

23. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 23 of the Complaint and on that basis denies the allegations in paragraph 23 of the Complaint.

24. Defendant denies the allegations in paragraph 24 of the Complaint.

25. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 25 of the Complaint and on that basis denies the allegations in paragraph 25 of the Complaint.

26. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 26 of the Complaint and on that basis denies the allegations in paragraph 26 of the Complaint.

27. Defendant admits the allegations in paragraph 27 of the Complaint.

28. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 28 of the Complaint and on that basis denies the allegations in paragraph 28 of the Complaint.

29. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 29 of the Complaint and on that basis denies the allegations in paragraph 29 of the Complaint.

30. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 30 of the Complaint and on that basis denies the allegations in paragraph 30 of the Complaint.

31. Defendant admits the allegations in paragraph 31 of the Complaint.

32. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 32 of the Complaint and on that basis denies the allegations in paragraph 32 of the Complaint.

33. Defendant denies the allegations in paragraph 33 of the Complaint.

34. Defendant denies the allegations in paragraph 34 of the Complaint.

35. Defendant admits Plaintiff had involvement with the C-STARS program. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in the last sentence of paragraph 35 of the Complaint and on that basis denies the allegations in the last sentence of paragraph 35 of the Complaint. Defendant denies the remaining allegations in paragraph 35 of the Complaint.

36. Defendant denies the allegations in paragraph 36 of the Complaint.

37. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 37 of the Complaint and on that basis denies the allegations in paragraph 37 of the Complaint.

38. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 38 of the Complaint and on that basis denies the allegations in paragraph 38 of the Complaint.

39. Defendant admits that Plaintiff stepped down in April 2017. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 39 of the Complaint and on that basis denies the remaining allegations in paragraph 39 of the Complaint.

40. Defendant admits that Dr. Pritts is employed by the University of Cincinnati and UC Physicians, Inc.

41. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 41 of the Complaint and on that basis denies the allegations in paragraph 41 of the Complaint.

42. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 42 of the Complaint and on that basis denies the allegations in paragraph 42 of the Complaint.

43. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 43 of the Complaint and on that basis denies the allegations in paragraph 43 of the Complaint.

44. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 44 of the Complaint and on that basis denies the allegations in paragraph 44 of the Complaint.

45. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 45 of the Complaint and on that basis denies the allegations in paragraph 45 of the Complaint.

46. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 46 of the Complaint and on that basis denies the allegations in paragraph 46 of the Complaint.

47. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 47 of the Complaint and on that basis denies the allegations in paragraph 47 of the Complaint.

48. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 48 of the Complaint and on that basis denies the allegations in paragraph 48 of the Complaint.

49. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 49 of the Complaint and on that basis denies the allegations in paragraph 49 of the Complaint.

50. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 50 of the Complaint and on that basis denies the allegations in paragraph 50 of the Complaint.

51. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 51 of the Complaint and on that basis denies the allegations in paragraph 51 of the Complaint.

52. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 52 of the Complaint and on that basis denies the allegations in paragraph 52 of the Complaint.

53. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 53 of the Complaint and on that basis denies the allegations in paragraph 53 of the Complaint.

54. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 54 of the Complaint and on that basis denies the allegations in paragraph 54 of the Complaint.

55. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 55 of the Complaint and on that basis denies the allegations in paragraph 55 of the Complaint.

56. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 56 of the Complaint and on that basis denies the allegations in paragraph 56 of the Complaint.

57. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 57 of the Complaint and on that basis denies the allegations in paragraph 57 of the Complaint.

58. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 58 of the Complaint and on that basis denies the allegations in paragraph 58 of the Complaint.

59. Defendant denies the allegations in paragraph 59 of the Complaint.

60. Defendant denies the allegations in paragraph 60 of the Complaint.

61. Defendant denies the allegations in paragraph 61 of the Complaint.

62. Defendant denies the allegations in paragraph 62 of the Complaint.

63. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 63 of the Complaint and on that basis denies the allegations in paragraph 63 of the Complaint.

64. Defendant denies the allegations in paragraph 64 of the Complaint.

65. Defendant denies the allegations in paragraph 65 of the Complaint.

66. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 66 of the Complaint and on that basis denies the allegations in paragraph 66 of the Complaint.

67. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 67 of the Complaint and on that basis denies the allegations in paragraph 67 of the Complaint.

68. Defendant admits it did not remove Drs. Edwards and Davis from clinical care of patients during the pendency of the investigation. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 68 of the Complaint and on that basis denies the remaining allegations in paragraph 68 of the Complaint.

69. Defendant denies the allegations in paragraph 69 of the Complaint.

70. Defendant admits that a resident complained about threatening conduct by Plaintiff. Defendant denies that he complained through Midas.

71. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 71 of the Complaint and on that basis denies the allegations in paragraph 71 of the Complaint.

72. Defendant admits Plaintiff was removed from clinical duties at UCMC. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 72 of the Complaint and on that basis denies the remaining allegations in paragraph 72 of the Complaint.

73. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 73 of the Complaint and on that basis denies the allegations in paragraph 73 of the Complaint.

74. Any communications from Dr. Moulton concerning a Midas report are privileged and, therefore, Defendant neither admits nor denies the allegations in paragraph 74 of the Complaint.

75. Any communications from Dr. Moulton concerning a Midas report are privileged and, therefore, Defendant neither admits nor denies the allegations in paragraph 75 of the Complaint.

76. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 76 of the Complaint and on that basis denies the allegations in paragraph 76 of the Complaint.

77. Defendant denies the allegations in paragraph 77 of the Complaint.

78. Defendant denies the allegations in paragraph 78 of the Complaint.

79. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 79 of the Complaint and on that basis denies the allegations in paragraph 79 of the Complaint.

80. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 80 of the Complaint and on that basis denies the allegations in paragraph 80 of the Complaint.

81. Defendant admits it did not require Drs. Edwards or Davis to undergo psychological examinations. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 81 of the Complaint and on that basis denies the remaining allegations in paragraph 81 of the Complaint.

82. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 82 of the Complaint and on that basis denies the allegations in paragraph 82 of the Complaint.

83. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 83 of the Complaint and on that basis denies the allegations in paragraph 83 of the Complaint.

84. Defendant denies the allegations in paragraph 84 of the Complaint.

85. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 85 of the Complaint and on that basis denies the allegations in paragraph 85 of the Complaint.

86. Defendant admits Plaintiff was not permitted to work at UCMC. Defendant denies the remaining allegations in paragraph 86 of the Complaint.

87. Defendant admits there was no Title IX violation. Defendant denies the remaining allegations in paragraph 87 of the Complaint.

88. Defendant denies the allegations in paragraph 88 of the Complaint.

89. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 89 of the Complaint and on that basis denies the allegations in paragraph 89 of the Complaint.

90. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 90 of the Complaint and on that basis denies the allegations in paragraph 90 of the Complaint.

91. Defendant admits Dr. Filak provided Plaintiff with a letter captioned “final warning.” The contents of the letter speak for themselves. Defendant denies any remaining allegations in paragraph 91 of the Complaint.

92. Defendant denies the allegations in paragraph 92 of the Complaint.

93. Defendant is without knowledge or information sufficient to form a belief as to the intended meaning of “intervening incidents” and on that basis denies the allegations in paragraph 93 of the Complaint.

94. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 94 of the Complaint and on that basis denies the allegations in paragraph 94 of the Complaint.

95. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 95 of the Complaint and on that basis denies the allegations in paragraph 95 of the Complaint.

96. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 96 of the Complaint and on that basis denies the allegations in paragraph 96 of the Complaint.

97. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 97 of the Complaint and on that basis denies the allegations in paragraph 97 of the Complaint.

98. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 98 of the Complaint and on that basis denies the allegations in paragraph 98 of the Complaint.

99. Defendant admits Plaintiff requested permission to operate on patients at UCMC. Defendant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 99 of the Complaint and on that basis denies the remaining allegations in paragraph 99 of the Complaint.

100. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 100 of the Complaint and on that basis denies the allegations in paragraph 100 of the Complaint.

101. Defendant denies the allegations in paragraph 101 of the Complaint.

102. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 102 of the Complaint and on that basis denies the allegations in paragraph 102 of the Complaint.

103. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 103 of the Complaint and on that basis denies the allegations in paragraph 103 of the Complaint.

104. Defendant denies the allegations in paragraph 104 of the Complaint.

105. Defendant denies the allegations in paragraph 105 of the Complaint.

106. Defendant denies the allegations in paragraph 106 of the Complaint.

107. Defendant denies the allegations in paragraph 107 of the Complaint.

108. Defendant denies the allegations in paragraph 108 of the Complaint.

109. Defendant denies the allegations in paragraph 109 of the Complaint.

110. Defendant denies the allegations in paragraph 110 of the Complaint.

111. Defendant denies the allegations in paragraph 111 of the Complaint.

112. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 112 of the Complaint and on that basis denies the allegations in paragraph 112 of the Complaint.

113. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 113 of the Complaint and on that basis denies the allegations in paragraph 113 of the Complaint.

114. Defendant denies the allegations in paragraph 114 of the Complaint.

115. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 115 of the Complaint and on that basis denies the allegations in paragraph 115 of the Complaint.

116. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 116 of the Complaint and on that basis denies the allegations in paragraph 116 of the Complaint.

117. Defendant incorporates its responses to paragraphs 1-116 in response to paragraph 117 of the Complaint.

118. Defendant denies the allegations in paragraph 118 of the Complaint.

119. Defendant denies the allegations in paragraph 119 of the Complaint.

120. Defendant denies the allegations in paragraph 120 of the Complaint.

121. Defendant denies the allegations in paragraph 121 of the Complaint.

122. Defendant incorporates its responses to paragraphs 1-121 in response to paragraph 122 of the Complaint.

123. Defendant denies the allegations in paragraph 123 of the Complaint.

124. Defendant denies the allegations in paragraph 124 of the Complaint.

125. Defendant denies the allegations in paragraph 125 of the Complaint.

126. Defendant incorporates its responses to paragraphs 1-125 in response to paragraph 126 of the Complaint.

127. Defendant denies the allegations in paragraph 127 of the Complaint.

128. Defendant denies the allegations in paragraph 128 of the Complaint.

129. Defendant denies the allegations in paragraph 129 of the Complaint.

130. Defendant incorporates its responses to paragraphs 1-129 in response to paragraph 130 of the Complaint.

131. Defendant denies the allegations in paragraph 131 of the Complaint.

132. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 132 of the Complaint and on that basis denies the allegations in paragraph 132 of the Complaint.

133. Defendant denies the allegations in paragraph 133 of the Complaint.

134. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 134 of the Complaint and on that basis denies the allegations in paragraph 134 of the Complaint.

135. Defendant denies the allegations in paragraph 135 of the Complaint.

136. Defendant denies the allegations in paragraph 136 of the Complaint.

137. Defendant denies the allegations in paragraph 137 of the Complaint.

138. Defendant incorporates its responses to paragraphs 1-137 in response to paragraph 138 of the Complaint.

139. Defendant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 139 of the Complaint and on that basis denies the allegations in paragraph 139 of the Complaint.

140. Defendant denies the allegations in paragraph 140 of the Complaint.

141. Defendant denies the allegations in paragraph 141 of the Complaint.

142. Defendant denies the allegations in paragraph 142 of the Complaint.

143. Defendant incorporates its responses to paragraphs 1-142 in response to paragraph 143 of the Complaint.

144. There are no allegations against Defendant in paragraph 144 of the Complaint. To the extent paragraph 144 of the Complaint contains any allegations against Defendant or otherwise requires a response, Defendant denies the allegations in paragraph 144 of the Complaint.

145. There are no allegations against Defendant in paragraph 145 of the Complaint. To the extent paragraph 145 of the Complaint contains any allegations against Defendant or otherwise requires a response, Defendant denies the allegations in paragraph 145 of the Complaint.

146. There are no allegations against Defendant in paragraph 146 of the Complaint. To the extent paragraph 146 of the Complaint contains any allegations against Defendant or otherwise requires a response, Defendant denies the allegations in paragraph 146 of the Complaint.

147. There are no allegations against Defendant in paragraph 147 of the Complaint. To the extent paragraph 147 of the Complaint contains any allegations against Defendant or otherwise requires a response, Defendant denies the allegations in paragraph 147 of the Complaint.

148. Defendant denies the allegations in the WHEREFORE paragraph of the Complaint, including sub-parts (a)-(g), and specifically denies that Plaintiff is entitled to any of the relief sought or any relief what so ever.

149. Defendant denies each and every allegation not specifically admitted herein.

FIRST DEFENSE

Plaintiff's Complaint must be dismissed to the extent it fails to state claims upon which relief can be granted.

SECOND DEFENSE

Plaintiff was not an employee of Defendant and to the extent that any claim asserted by Plaintiff is predicated upon the existence of an employer-employee relationship between Plaintiff and Defendant, the same should be dismissed.

THIRD DEFENSE

Although no unlawful discrimination occurred, any alleged unlawful actions were contrary to Defendant's good faith efforts to comply with state and federal laws.

FOURTH DEFENSE

Plaintiff's Complaint must be dismissed to the extent the claims are barred by the doctrines of waiver, estoppel, laches, and unclean hands.

FIFTH DEFENSE

Plaintiff has not suffered any legally cognizable damage.

SIXTH DEFENSE

Plaintiff's claims fail to the extent he failed to mitigate his damages, if any exist.

SEVENTH DEFENSE

To the extent Plaintiff seeks compensatory damages, punitive damages, or attorneys' fees, Plaintiff is not entitled to them because Defendant did not at any time engage in unlawful, reckless, willful, wanton, or malicious conduct toward Plaintiff or with the intent to injure him or with knowledge or belief that injury was substantially certain to occur.

EIGHTH DEFENSE

Any claim for punitive damages is barred to the extent that the amount sought may violate substantive and procedural safeguards guaranteed to Defendant by the due process clause of the United States and Ohio Constitutions. Any claim for punitive damages is further barred to the extent that the imposition of such damages is not rationally related to, or is grossly excessive in relation to, legitimate federal and state interests.

NINTH DEFENSE

Plaintiff's claim for damages is barred, in whole or in part, by offset, payment, or compensation and benefits received by Plaintiff.

TENTH DEFENSE

Plaintiff's claims for damages must be reduced or dismissed to the extent that after-acquired evidence demonstrates that Plaintiff engaged in conduct which would have otherwise resulted in any adverse action.

ELEVENTH DEFENSE

Plaintiff's claims are barred to the extent they seek injunctive, declaratory, and/or other equitable relief, in light of the fact that Plaintiff has an adequate remedy at law and has suffered no irreparable harm due to any alleged conduct of Defendant.

TWELFTH DEFENSE

Plaintiff's claims are barred, in whole or in part, because Defendant acted with justification or excuse, in the pursuit of legitimate business activities, or with privilege.

THIRTEENTH DEFENSE

Plaintiff's claim for liquidated damages is barred because Defendant did not willfully violate any law.

FOURTEENTH DEFENSE

Plaintiff's claims are barred, in whole or in part, by the applicable statutes of limitations.

FIFTEENTH DEFENSE

Plaintiff's claims fail, in whole or in part, to the extent that Plaintiff has failed to utilize and exhaust available administrative remedies, satisfy any pre-requisites to suit, and/or to the extent the claims are barred by the election of remedies doctrine.

SIXTEENTH DEFENSE

Defendant took reasonable and good faith efforts to comply with federal and state laws. Although Defendant denies that any of the alleged unlawful actions were taken, to the extent they were, they were contrary to Defendant's good faith efforts to comply with federal and state law. Additionally, Defendant had reasonable grounds for believing that it fully complied with all applicable laws, and punitive damages are therefore barred.

SEVENTEENTH DEFENSE

Plaintiff's claims fail, in whole or in part, because Defendants treated Plaintiff lawfully and in good faith compliance with all applicable rules, regulations, and laws.

EIGHTEENTH DEFENSE

Pleading in the alternative, to the extent that Plaintiff is able to prove to the satisfaction of the trier-of-fact that any improper motive was a factor in relevant employment decisions, Defendants would have made the same employment decisions regarding Plaintiff regardless of any alleged improper motive.

NINETEENTH DEFENSE

To the extent Plaintiff suffered any damages or losses for which she seeks to hold Defendant responsible, those damages or losses were caused in whole or in part by Plaintiff's own acts, conduct, or omissions or the acts, conduct or omissions of third parties.

TWENTIETH DEFENSE

Defendant reserves the right to add any defenses learned as a result of discovery.

WHEREFORE, having fully answered Plaintiff's Complaint, Defendant prays for an order dismissing Plaintiff's Complaint with prejudice, for an award of its costs and attorneys' fees, and for any further relief the Court deems just and proper.

Respectfully submitted,

/s/Patricia Anderson Pryor

Patricia Anderson Pryor (0069545)

Mark B. Gerano (0091969)

JACKSON LEWIS P.C.

201 E. Fifth Street, 26th Floor

Cincinnati, OH 45202

Telephone: (513) 898-0050

Facsimile: (513) 898-0051

pryor@jacksonlewis.com

mark.gerano@jacksonlewis.com

Counsel for Defendant UC Health, LLC

CERTIFICATE OF SERVICE

I certify that on July 11, 2019, the foregoing was electronically filed with the Court's CM/ECF system and such system will send electronic notice to all counsel of record

/s/*Patricia Anderson Pryor*

Patricia Anderson Pryor

4828-5347-4712, v. 2